

<p>UNITED STATES DISTRICT COURT NORTHERN DISTRICT OF NEW YORK</p> <hr/> <p>LEOR KWELLER and ZOE LIBERMAN,</p> <p style="text-align: center;">Plaintiff</p> <p style="text-align: center;">- against -</p> <p>THE COUNTY OF BROOME, THE CITY OF BINGHAMTON, DISTRICT ATTORNEY MICHAEL KORCHAK, CHIEF ASSISTANT DISTRICT ATTORNEY MARK LOUGHRAN, ASSISTANT DISTRICT ATTORNEY ALYSSA CONGDON, ASSISTANT DISTRICT ATTORNEY AMANDA CRONIN, DISTRICT ATTORNEY INVESTIGATOR JEFF J. WAGNER, BINGHAMTON POLICE DEPARTMENT CHIEF JOSEPH ZIKUSKI, BINGHAMTON POLICE DEPARTMENT CAPTAIN CORY MINOR, BINGHAMTON POLICE DEPARTMENT INVESTIGATOR AMANDA MILLER, all in their individual capacities, and JOHN DOES 1-10, representing Broome County District Attorney's Office and Police Department Employees Whose Names Are Currently Unknown, HAILEY DEMKOVICH, and SAMANTHA HERCEG,</p> <p style="text-align: center;">Defendants.</p>	<p style="text-align: center;"><b>NOTICE OF MOTION</b></p> <p>Case No. 3:25-cv-343 (AJB/ML)</p>
--	---

**PLEASE TAKE NOTICE** that upon the accompanying Memorandum of Law, and all prior pleadings and proceedings had herein, Defendant the County of Broome, by and through their undersigned attorneys, The Wladis Law Firm, P.C., hereby move this Court before the Honorable Anthony J. Brindisi, U.S. District Judge, at the United States District Courthouse, Utica, New York, for an Order, pursuant to Fed. R. Civ. Pro. 12(b)(6), dismissing Plaintiff's Complaint in this action in its entirety and with prejudice, and for such other and further relief as the Court shall deem just and proper.

**PLEASE TAKE FURTHER NOTICE** that, pursuant to Fed. R. Civ. Pro. 12(a)(1)(C), and Northern District of New York Local Rule 7.1(a), unless otherwise ordered by the Court, Plaintiff must file and serve its opposition papers no more than twenty-one (21) days after service of the motion.

**PLEASE TAKE FURTHER NOTICE** that, pursuant to Northern District of New York Local Rule 7.1(a), Defendants' reply, if any, shall be filed and served at least seven (7) days after service of Plaintiff's opposition papers, unless otherwise agreed upon and/or directed by the Court.

DATED: May 15, 2025

Respectfully submitted,

The Wladis Law Firm, P.C.

*s/Christopher J. Baiamonte*

Christopher J. Baiamonte, Esq. (702528)

*s/Timothy J. Lambrecht*

Timothy J. Lambrecht (510390)

*Attorneys for Defendants*

*The County of Broome*

P.O. Box 245

Syracuse, NY 13214

(315) 445-1700 (Office)

E-mail: [cbaiamonte@wladislawfirm.com](mailto:cbaiamonte@wladislawfirm.com)

[tlambrecht@wladislawfirm.com](mailto:tlambrecht@wladislawfirm.com)

TO: All Counsel of Record via CM/ECF

**CERTIFICATE OF SERVICE**

I hereby certify that on May 15, 2025, I caused the foregoing document to be filed electronically with the Clerk of the District Court, Northern District of New York, using the CM/ECF system, which sent automatic and contemporaneous notification of such filing to all counsel who have made an appearance in this action.

*s/Christopher J. Baiamonte*  
(Bar Roll No. 702528)